

Sections 3, 4, 5, 6, 7, 8, 9, were passed as in the bill.

Two amendments were offered by Minister Thurston and Rep. Huestace to section 10 and passed, and the section passed as amended.

Sections 11, 12, 13, 14, 15, 16, 17 and 18 were passed.

At this point the Sergeant-at-Arms announced a messenger from His Majesty.

The President—Let him march in.

After handing a letter to the President the messenger departed, and the House went on with its work.

Section 20 was deferred.

Sections 21 to 41 were passed with scarcely any change.

Rep. Huestace moved section 20 be considered.

Noble Waterhouse moved the section be stricken out.

The section passed with slight amendment.

The bill passed to engrossment and was ordered to be read a third time on Thursday.

The Clerk then read the message of His Majesty vetoing the Coffee bill. It appeared in Wednesday's issue in full.

The consideration of the veto message will be taken up at 2 p. m. Friday.

The vote by which the third reading of the bill relating to taxes was set for Friday, was reconsidered and the bill was ordered to be read on Thursday.

ANSWERS TO QUESTIONS.

Minister Thurston presented the following statement:

In reply to the questions of Rep. Naone, in the matter of the grading of Alakea and Halekua streets, I beg to reply:

1st. It is not true that Mr. Gribble had not filed his tender for the grading of Alakea and Halekua streets when the other tenders were opened.

2d. It is not true that the tender was awarded to Mr. Harrison and afterwards withdrawn and given to Mr. Gribble.

The reply to the first two questions covers the third.

I would further explain this transaction as follows:

All public works of this description are in the Department of the Superintendent of Public Works.

Whenever it is proposed to let out work by contract, plans and specifications are drawn up and an estimate made in that office of the reasonable cost of such work, in order to give a basis for judging tenders, which frequently vary over 100 per cent.

The advertisement for tenders is made in the name of the Minister of the Interior, and final award of the contract is subject to his approval.

Such approval is never given until after consultation with the Superintendent of Public Works, and comparison with the estimate of the cost.

If the bids reasonably approximate the estimate made in the office, the lowest is accepted. If not they are all rejected, the clause in the advertisement, reserving the right to reject all bids, being placed there for that purpose.

The custom has been for bidders to hand their bids either to the Minister, a clerk in the Interior Office or the Superintendent of Public Works.

In this particular instance Mr. Gribble handed his bid to the Superintendent of Public Works on Aug. 21st, the time for receiving bids being fixed at noon on the 22nd.

At noon on the 22nd I opened the bids that had been handed to the clerk of the Interior Office and myself, not then knowing that any bids had been handed to the Superintendent.

Mr. Harrison's bid was for \$2,385.40, and was the lowest then opened, the others ranging up to \$4,540.

Mr. Harrison was present, and asked if his bid would be accepted, or words to that effect. As I did not know what the Superintendent's estimates were, and he was not present, I replied that this was in the Superintendent's department, and I should have to consult him before making any decision.

At 2 o'clock the Superintendent of Public Works came to my office to confer with me on the subject. He then stated that he had a bid, received the day before from Mr. Gribble, which he produced, and which was for \$1,500. He also showed me the estimates prepared in the office, which were for \$1,800.

As Mr. Gribble's tender was reasonably approximate to the Government estimate, it was accepted.

Had Mr. Harrison's bid been accepted, under the circumstances, it certainly would have been a reprehensible failure on my part to guard the public interests.

Minister Thurston reported four bills presented to His Majesty for signature.

ORDER OF THE DAY.

Second reading of the proposed anti-Chinese amendment to the Constitution.

Noble Waterhouse asked if the amendment did not conflict with Art. 1 of the Constitution.

The Attorney-General said he thought it did not.

Rep. C. Brown thought that if this amendment passed there would be trouble with treaty rights. He moved the words "with due regard

to vested rights" be inserted. He believed in every law that would restrict Chinamen coming into the country.

Rep. Kamaoaha favored indefinite postponement of the amendment.

Noble Smith offered several slight amendments which were accepted, and then moved the amendment pass as amended.

Minister Ashford referred to the boycott of a large sale recently as showing the strength of the Chinese. He considered it a menacing danger this flood of Chinese in the country. He made a long speech in favor of the amendment.

Rep. Kamaoaha spoke in favor of indefinite postponement.

Rep. Kamaoaha favored the referring of the amendment to a select committee.

Minister Thurston moved the House adjourn.

At 4:45 the House adjourned to 10 o'clock Thursday.

## 78TH DAY—August 30th.

## MORNING SESSION.

The House met at 10 a. m. President W. R. Castle in the chair.

REPORTS OF COMMITTEES.

Noble Smith presented a preliminary report from the Judiciary Committee on a petition praying for the repeal of the Act relating to the keeping of books and accounts. The committee before going any further would like to have the question of constitutionality of the Act decided, and have embodied a resolution that the question be submitted to the Justices of the Supreme Court for their opinion.

Minister Ashford said this report was the finest exhibition of child's play yet brought before the House.

No question has arisen as to the constitutionality of this Act. The best way is to let the parties interested test the constitutionality. He would oppose the resolution.

Minister Thurston said the motives of the committee were good, but he doubted the wisdom of their course. It was an exceedingly important question for the parties on both sides, and affected the mercantile business of this country. Whatever way the decision may go, it should not be until after a very full argument, and the citing of laws in other countries. Similar laws were in force in England and Germany.

Noble Smith on behalf of the committee said the question of constitutionality had been raised and does exist.

Noble Widemann asked Noble Smith: Supposing the question was decided by the Court that the Act was not constitutional, what action would he propose?

Noble Smith said he could not answer that.

Noble Widemann thought it best to let the matter rest where it is. He should oppose the repeal of the Act.

Minister Ashford gave further reasons for opposing the resolution. To him it looked like firing questions at the Judiciary the way the Jews did accusations at Christ in the olden times.

Rep. Kamaoaha spoke in favor of the resolution.

Noble Young said such a law was necessary as so many Chinese had perpetrated frauds against their creditors. The law was passed and it will hurt both good and bad. It would not do for this House to bob up and down at the beck of the fingers of the Chinese. Let the law take its course. It was made necessary by the Chinese themselves.

Noble Smith moved the ayes and noes be taken. Agreed to.

The report of the committee was not adopted by the following divisions: noes 30, ayes 11.

Noble Smith presented a report on a bill relating to the cultivation and manufacture of ramie. The committee present a new bill which they recommend to pass.

The report was received and laid on the table to be considered with the bill.

Rep. Dowsett presented a report from a select committee on a petition relating to the licence of the Chinese theatre. As no complaints had been made to the Attorney-General or Marshal, and it was a judicial question, the committee recommend the petition be laid on the table.

The report was adopted.

Noble Hitchcock reported from a special committee on a petition relating to the election law, recommending the same be laid on the table.

The report was adopted.

ASKING QUESTIONS.

Noble Widemann asked the following questions of the Minister of the Interior:

The Minister of the Interior in his answer yesterday to the questions by Rep. Nakaleka on the 18th inst., stated that Mr. Forsyth had been in the employ of the Government, from August 13th, 1887, to July 31st, 1888, at a salary of \$200 per month. That Mr. Forsyth did not draw by inadvertence, his salary from February 13th to end of March. That the Government has not given any I. O. U. for Mr. Forsyth's salary, but that Mr. Forsyth had rendered several bills to the Government on the basis above stated, up to and including the 31st of July, which His Excellency had approved and told him they would be paid upon the passage of the appropriation bill, out of any available appropriation. With many words His Excellency further states that Mr. Forsyth made certain propositions and leaves to be inferred—as

His Excellency does not state clearly—that these propositions were eventually accepted by the Cabinet after they had considered a number of times. According to the above statement there was due to Mr. Forsyth salary from August 13th, 1887, to March 31, 1888, 7 months and 17 days, \$1512. Mr. Forsyth did not draw his salary from February 13th to March 31st, 14 months, \$800; total, \$712, leaving a balance due him of \$800. His Excellency does not state whether these \$800 have been paid to Mr. Forsyth, or whether they are still due him. I would therefore ask His Excellency to inform this House:

1. Has the amount of \$800 been paid to Mr. Forsyth or not?

2. If it has been paid from what appropriation has it been paid?

3. Did His Excellency when he approved three bills of Mr. Forsyth sign them as Minister of Interior?

4. Are these bills, if so approved, a just claim upon this Government?

5. What difference is there between a bill approved in writing, an acknowledged claim, and an I. O. U.?

6. Has a Minister the right under the law to pay such a claim as Mr. Forsyth has, for which no provision has been made by the Legislature, from any appropriation made for another purpose?

UNFINISHED BUSINESS.

Consideration of the Anti-Chinese amendment to the Constitution.

Reps. C. Brown and Paehole spoke against the amendment.

Noble Widemann could not see any restriction in the amendment.

Minister Thurston thought that in a certain form they could make the amendment of benefit to the people. Recess until 1 p. m.

AFTERNOON SESSION.

The House re-assembled at 1:10. Minister Thurston moved that the bills for third reading be taken up. Carried.

Third reading of an Act relating to internal taxes. Passed.

Consideration of the Anti-Chinese amendment to the Constitution was resumed.

Minister Thurston said the intention of the words "with due regard to vested rights" would nullify the amendment. If the House had any regard for the future and welfare of this country they would not attempt to shirk their duty. He hoped the amendment would pass.

Noble Wilder said the feeling was so strong at the recent convention that a strong resolution was unanimously adopted with regard to Chinese. He was not in the House to express his individual views but the views of those who sent him there. He should most heartily support the amendment.

Rep. Kaui favored indefinite postponement of the amendment. It was in direct conflict with articles 1 and 13 of the Constitution.

Minister Ashford offered an amendment to line 11 by inserting after the word "sugar" the words "or in the cultivation of any other product of the soil."

Minister Green said the amendment was not only unjust but it was utterly inefficacious for the purposes intended. If it passed with the amendment offered by Rep. C. Brown it would be useless, and if it passed without that amendment it would do away with the vested rights of a large portion of the population. He would make a motion that the amendment be laid on the table.

Noble Smith moved the ayes and noes be taken. Carried.

The motion to lay the amendment on the table was lost on the following division:

Ayes—Green, Waterhouse, Lulihau, Wight, G. N. Wilcox, Kaui, C. Brown, Kamai, Maguire, Kamaoaha, Paris, Nawahine, Daniels, Rice, Gay, Nakaleka, Kapahaele—17.

Noes—Thurston, Ashford, Wilder, Robinson, Young, Smith, Nottley, Wall, Hitchcock, Bailey, Richardson, Dole, Huestace, Dowsett jr., Kalaauka, Naone, Deacon, Kamaoaha, Helekuinihi, Horner, Kawainui, A. S. Wilcox—22.

Minister Ashford moved to refer the amendment with the various amendments to a select committee.

Noble Smith said although the greatest attention had been paid by the committee to the amendment he favored it being again referred so that it could have the fullest and most complete consideration.

Rep. C. Brown was not in favor of referring it to any committee; he thought the House could dispose of it.

Rep. Kamaoaha moved the amendment be referred to a select committee of three members of the Cabinet to report to the Legislature of 1890.

Noble Hitchcock thought the House was treading on dangerous ground in attempting to amend the Constitution for the purpose of class legislation. The Chinese had certain rights which they were bound to respect.

Minister Green said it looked to him like a phase of slavery in disguise.

Noble Young said they would all like to remove the difficulty, but every time they tried they ran against a snag. One of the greatest calamities would be to remove the Chinese from us. By restriction we can accomplish all we want to. The honorable Noble related an instance where a Chinaman once supported a white man whom he worked for when a boy, and who was in destitute circumstances. He asked whether any of the Anti-Asiatic Union

howlers would do such a thing. If so let him be trotted out. As the amendment stands it is not honest and square. He favored reference to a committee again.

Noble Smith said they must be permitted to make legislation for those Chinese who will come here in the future.

On a vote being taken the amendment was referred to a select committee by a vote of 27 to 8.

On suspension of the rules Noble Smith presented a report from the Judiciary Committee on a petition relating to the keeping of books of accounts, recommending it be laid on the table.

Noble Waterhouse moved the majority report be adopted. Carried.

The President appointed the following select committee on the Anti-Chinese constitutional amendment: W. O. Smith, C. Brown, Minister of Interior, D. H. Hitchcock, G. H. Dole.

Minister Thurston presented a report from the select committee on the item, pay of Government physicians, recommending that the sum of \$42,000 be inserted in the Appropriation bill for that purpose.

The report of the committee was adopted.

Third reading of the bill relating to the fire department of Honolulu. Passed.

At 4:30 the House adjourned to 7 p. m.

EVENING SESSION.

The House re-assembled at 7:14. Vice-President Kamaoaha in the chair.

Second reading of the bill relating to regulation of Chinese immigration.

The bill was considered section by section, passed to engrossment and ordered to be read a third time on Saturday.

Second reading of bill No. 134, in connection with the report of the Sanitary Committee, relating to kokuas, as a substitute for a bill introduced by Rep. Paehole on the same subject.

The bills were considered section by section.

A motion to lay the original bill on the table was carried.

The substitute bill passed to engrossment and will be read a third time on Saturday.

Adjourned to 10 a. m. Friday.

79TH DAY—August 31st.

MORNING SESSION.

The House opened at 10 a. m. President W. R. Castle in the chair. Minutes read and approved.

Rep. Dowsett presented a resolution that the Secretary and Interpreter be paid \$5 each for every evening session held by the House.

Rep. F. Brown moved to amend by inserting \$1 each for the messenger and janitor.

Noble Smith said he felt it his duty to protest against this resolution. The officers all receive liberal pay. There have been many times since the commencement of the session that the officers have only had to work half a day.

The resolution was indefinitely postponed; 21 to 7.

ORDER OF THE DAY.

Consideration of bill No. 121 relating to the Oahu steam railway.

Noble Smith moved the adoption of section 1 in the original bill. He objected to see the names of individuals in any bill. They were not acting in the interests of one man but of the public.

Rep. C. Brown moved that section 1 as recommended by the special committee be adopted. The idea is to give the privilege of laying this road to a Hawaiian or some one well known.

Minister Thurston moved to amend the section by inserting the words "within three years from the approval of this Act."

Minister Ashford said the House had instructed the special committee to insert the name of B. F. Dillingham in the section. They had done so and he thought it should now pass.

Noble Young could not see the idea of waiting eighteen months before Mr. Dillingham and his associates give a guarantee that they would build the railway. He thought twelve months ample time and should favor that time being inserted in the section.

Rep. Kamaoaha said Noble Castle was the one to first introduce the bill and it contained Mr. Dillingham's name. When others heard of this they at once called upon some of the members to have Mr. Dillingham's name stricken out. There was a good deal of the "dog in the manger" business about it.

Rep. Paehole moved the previous question. Carried.

Rep. Kamaoaha called for the ayes and noes.

The amendment offered by Minister Thurston was put and carried.

The motion to adopt the section recommended by the committee as amended was carried on the following division:

Ayes: Green, Thurston, Ashford, Wilder, Robinson, Waterhouse, Lulihau, Wight, Nottley, Wall, Bailey, Makee, G. N. Wilcox, Dole, Kalaauka, Naone, Kaui, C. Brown, F. Brown, Kamai, Maguire, Kamaoaha, Paris, Nawahine, Daniels, Helekuinihi, Horner, Kawainui, A. S. Wilcox, Rice, Gay, Nakaleka, Kapahaele—34.

Noes: Young, Smith, Hitchcock, Richardson, Dowsett jr., Deacon—6.

Rep. C. Brown moved section 2 bill No. 121 be laid on the table. Carried.

Rep. C. Brown moved section 2 as recommended by the special committee pass.

Noble Smith moved to strike out the word "exclusive." Under the circumstances it was wrong to give an exclusive right for twenty years.

Noble Wight thought that the Minister of Interior should have power to name the tariff to any company that should extend from this line. He offered an amendment but finally withdrew it.

Noble Young was in favor of the section if the word "exclusive" was stricken out. The honorable Noble then related the story of Benny and the bull pup. It was time for the members of the House to scatter to their homes when they began to give exclusive right to one person.

Minister Thurston moved that the exclusive rights be for ten instead of fifteen years.

Rep. F. Brown thought if this change was made it would make the bill useless.

Noble Smith moved the ayes and noes be taken on the amendment to strike out the word "exclusive." Carried.

The amendment was lost on a division; 31 to 8.

The motion to insert the word "ten" in place of "twenty" was lost on division; 20 to 19.

At 12:05 the House took a recess.

AFTERNOON SESSION.

The House reassembled at 1 p. m. Noble Smith moved the consideration of the veto message and the Coffee Bill set for 2 o'clock this afternoon, be deferred until Monday, at 11 o'clock. The Minister of the Interior had gone home with a sick headache and as he introduced the bill it was only fair that he should be in the House when the matter came up.

The motion was carried.

Noble Smith presented a majority report from the select committee on the election laws.

Minister Ashford presented a minority report from the same committee.

The reports were received and laid on the table to be considered with the bill.

Further consideration of the Oahu Railway Bill.

Section 3 relating to conditions, restrictions, and speed, section 4 relating to location, maps, charts and plans, section 5 defining the fare to be charged and section 6 relating to lease and purchase of lands were all passed as in the bill.

Section 7 provides that the lands to be taken for the line shall not exceed forty feet in width.

Rep. Kamaoaha thought forty feet too much.

Minister Ashford said sixty-six feet was the general width allowed. The section passed as in the bill.

Sections 8, 9, 10, 11, 12, 13, relating to the taking of property rights etc., were passed as in bill.

After section 14 had been read Rep. C. Brown moved to insert in line 5 after the word "found" the words "or is incompetent to make a contract." Carried.

Noble Smith moved to strike out the words "the amount it is willing to tender for" and insert "an amount equal to a fair valuation of." Carried.

The section then passed as amended.

Section 15 passed as in bill. An amendment relating to arbitrators was added to section 16, on motion of Minister Ashford and the section passed as amended.

The remaining sections were passed with few amendments.

The bill as amended passed to engrossment and will be read a third time on Monday.

Consideration of a bill to encourage the production and sale of Taro Flour and other products of taro.

The bill passed to engrossment and will be read a third time on Saturday.

Consideration of a bill to specially license the retailing of malt liquors manufactured under the Act entitled "an Act to license the brewing of malt liquors in the district of Honolulu."

Rep. C. Brown moved the licence be fixed at \$250 instead of \$100 as in the bill. Carried.

The section passed as amended.

Minister Ashford offered a substitute for section 2 which passed.

The bill finally passed to engrossment and will be read a third time on Monday.

Consideration of an Act relating to internal taxes. Passed to engrossment and will be read a third time on Monday.

At 4:05 the House took a recess to 7 o'clock.

EVENING SESSION.

The House reassembled at 7:30. Consideration of certain sections of the Election Bill with special committee reports.

The bill finally passed to engrossment to be read a third time on Monday.

At 8:45 the House adjourned to 10 o'clock Saturday morning.

80TH DAY—Sept. 1st.

MORNING SESSION.

The House met at 10 a. m. President W. R. Castle in the Chair. Roll called and absentees noted.

Rep. F. Brown reported the new amendment to the Constitution, and a report on the leper settlement printed and ready for distribution.

On suspension of the rules Noble Dole read a petition relating to the maintenance of suitable rooms for the care of infirm and indigent

person of foreign birth and descent.

The petition was referred to a select committee, consisting of G. H. Dole, the Attorney-General, Dr. Wight, A. P. Paehole and A. S. Wilcox.

Noble Smith presented a report from select committee on the constitutional amendment, offering a new one.